
Fire Services (Amendment) Bill 2016

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A BILL

To

Amend the Fire Services Ordinance to empower the Chief Executive in Council to make regulations for a scheme for fire safety risk assessment, and certification on compliance with fire safety requirements, by registered fire engineers for certain premises and for regulating registered fire engineers; and to make related amendments.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Fire Services (Amendment) Ordinance 2016.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

2. Enactments amended

The enactments specified in Parts 2, 3 and 4 are amended as set out in those Parts.

Part 2

Amendments to Fire Services Ordinance (Cap. 95)

3. Long title amended

The long title—

Repeal

“equipment; and”

Substitute

“equipment; and to provide for registered fire engineers and a scheme for fire safety risk assessment, and certification on compliance with fire safety requirements, by registered fire engineers for certain premises; and to make provision”.

4. Section 2 amended (interpretation)

Section 2—

Add in alphabetical order

“*registered fire engineer* (註冊消防工程師) means a person who is registered as a registered fire engineer under the regulations made under this Ordinance;

registered fire engineer (fire service installation) (註冊消防工程師 (消防裝置)) means a person who is registered as a registered fire engineer for the class of fire service installation under the regulations made under this Ordinance;

registered fire engineer (risk assessment) (註冊消防工程師 (風險評估)) means a person who is registered as a registered fire engineer for the class of risk assessment under the regulations made under this Ordinance;

registered fire engineer (ventilating system) (註冊消防工程師 (通風系統)) means a person who is registered as a registered fire engineer for the class of ventilating system under the regulations made under this Ordinance;”.

5. Section 25 amended (power to make regulations)

(1) After section 25(1)(g)—

Add

- “(ga) the registration and de-registration of registered fire engineers;
- (gb) fees to be charged in relation to the registration and de-registration of registered fire engineers;
- (gc) the establishment, powers and procedure of a registration committee in relation to the registration of registered fire engineers;
- (gd) the establishment of an interview board panel, and the appointment, powers and procedure of interview boards, in relation to the registration of registered fire engineers;
- (ge) the duties of registered fire engineers in relation to fire safety risk assessment, and certification on compliance with fire safety requirements, for premises prescribed by regulations made under this section;
- (gf) the acts or omissions that constitute a disciplinary offence on the part of a registered fire engineer;
- (gg) the establishment of a disciplinary board panel, and the appointment, powers and procedure of disciplinary boards, in relation to registered fire engineers;

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- (gh) the grounds on which appeals may be lodged in relation to—
- (i) the registration of registered fire engineers; or
 - (ii) registered fire engineers;
- (gi) the establishment of an appeal board panel, and the appointment, powers and procedure of appeal boards, in relation to appeals mentioned in paragraph (gh);
- (gj) the issue of codes of practice concerning fire safety of any premises, and giving guidance in relation to the professional conduct, and the administration, of registered fire engineers;”.
- (2) After section 25(3)—
- Add**
- “(4) A regulation made under subsection (1)(ga), (gc), (gd), (ge), (gf), (gg), (gh), (gi) or (gj) is subject to the approval of the Legislative Council.”.
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Part 3

Amendments to Fire Service (Installations and Equipment) Regulations (Cap. 95 sub. leg. B)

6. **Regulation 6 heading amended (installation of fire service installations of equipment)**

Regulation 6, English text, heading—

Repeal

“installations of”

Substitute

“installation or”.

7. **Regulation 7 amended (maintenance or repair of fire service installations or equipment)**

(1) Regulation 7, heading—

Repeal

“or repair of fire service installations”

Substitute

“, inspection or repair of fire service installation”.

(2) Regulation 7(1)—

Repeal

“paragraph (2)”

Substitute

“paragraphs (2), (3) and (4)”.

(3) After regulation 7(2)—

Add

- “(3) A registered fire engineer (fire service installation) may inspect and test any fire service installation or equipment installed in, or for, any premises prescribed by regulations made under section 25 of the Ordinance.
- (4) The Director or a person authorized by the Director in writing may inspect and test any fire service installation or equipment installed in, or for, any premises for checking its safety and the efficiency of its working order.”.

8. Regulation 8 heading amended (duty of owners of fire service installations or equipment)

Regulation 8, English text, heading—

Repeal

“installations”

Substitute

“installation”.

Part 4

Related Amendments

Division 1—Amendments to Miscellaneous Licences Regulations (Cap. 114 sub. leg. A)

9. Regulation 72 amended (exits and doors)

Regulation 72—

Repeal

“Services.”

Substitute

“Services, or required by a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)).”.

10. Regulation 122 amended (exits and doors)

Regulation 122—

Repeal

“Services.”

Substitute

“Services, or required by a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)).”.

Division 2—Amendments to Food Business Regulation (Cap. 132 sub. leg. X)

11. Section 33B amended (compliance with fire safety requirements)

(1) Section 33B—

Repeal

“Services and”

Substitute

“Services, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), and”.

(2) Section 33B—

Repeal

“Services.”

Substitute

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of that Ordinance).”.

12. Section 33C amended (provisional licence)

Section 33C(1)(b)—

Repeal

“Services have”

Substitute

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), have”.

**Division 3—Amendments to Places of Amusement
Regulation (Cap. 132 sub. leg. BA)**

13. Section 5 amended (application for the grant, renewal or transfer of licence)

Section 5(2)(b)—

Repeal

“Services.”

Substitute

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)).”.

14. Section 13 amended (fire services requirements)

Section 13—

Repeal

“Services in”

Substitute

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), in”.

Division 4—Amendments to Places of Public Entertainment Regulations (Cap. 172 sub. leg. A)

15. Regulation 3 amended (licences)

(1) Regulation 3(3)(b)—

Repeal

“Services and”

Substitute

“Services, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), and”.

(2) Regulation 3(3)(b)—

Repeal

“Services in”

Substitute

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of that Ordinance), in”.

16. Regulation 3A amended (grant of provisional licence)

Regulation 3A(2)(a)(i)—

Repeal

“Services;”

Substitute

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95));”.

17. Regulation 162 amended (licences)

(1) Regulation 162(7)(b)—

Repeal

“him in that behalf”

Substitute

“the Director of Fire Services in that behalf, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95))”.

(2) Regulation 162(9)(c)—

Repeal

“Services and”

Substitute

“Services, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), and”.

(3) Regulation 162(9)(c)—

Repeal

“Services in”

Substitute

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of that Ordinance), in”.

18. Regulation 164 amended (temporary structures)

- (1) Regulation 164(q)—

Repeal

“him”

Substitute

“the Director of Fire Services, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95))”.

- (2) Regulation 164(s)—

Repeal

“Services who”

Substitute

“Services, or a registered fire engineer (risk assessment) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), and the Director of Fire Services”.

Division 5—Amendment to Education Ordinance (Cap. 279)

19. Section 12 amended (additional documents required where premises not designed and constructed as a school)

- Section 12(1)(c)—

Repeal

“Services that”

Substitute

“Services, or a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)), that”.

Division 6—Amendment to Non-local Higher and Professional Education (Regulation) Rules (Cap. 493 sub. leg. B)

20. Section 5 amended (premises in which registered course or exempted course is conducted)

Section 5(2)(b)—

Repeal subparagraph (i)

Substitute

“(i) is a certificate—

- (A) issued by the Director of Fire Services pursuant to regulation 2(c) of the Fire Services Department (Reports and Certificates) Regulations (Cap. 95 sub. leg. C); or
 - (B) issued by a registered fire engineer (fire service installation) (as defined by section 2 of the Fire Services Ordinance (Cap. 95)); and”.
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Explanatory Memorandum

The object of this Bill is to empower the Chief Executive in Council to make regulations for a scheme for fire safety risk assessment, and certification on compliance with fire safety requirements, by registered fire engineers for certain premises (*scheme*) and for regulating registered fire engineers, and to make related amendments.

2. The Bill is divided into 4 Parts.

Part 1—Preliminary

3. Clause 1 sets out the short title and provides for commencement.

Part 2—Amendments to Fire Services Ordinance

4. Clause 3 amends the long title of the Fire Services Ordinance (Cap. 95) (*Ordinance*) to include the scheme and registration of persons as registered fire engineers (*registered fire engineers*) for the class of fire service installation, risk assessment or ventilating system.
5. Clause 4 amends section 2 of the Ordinance to include new definitions of *registered fire engineer*, *registered fire engineer (fire service installation)*, *registered fire engineer (risk assessment)* and *registered fire engineer (ventilating system)*.
6. Clause 5 amends section 25 of the Ordinance to empower the Chief Executive in Council to make regulations to provide for the scheme and regulate the registered fire engineers. These regulations (except the one concerning fees to be charged in

relation to the registration and de-registration of registered fire engineers) are to be made subject to the approval of the Legislative Council.

Part 3—Amendments to Fire Service (Installations and Equipment) Regulations

7. Clause 7 amends regulation 7 of the Fire Service (Installations and Equipment) Regulations (Cap. 95 sub. leg. B) to enable a registered fire engineer to inspect and test any fire service installation or equipment installed in, or for, certain premises, and enable the Director of Fire Services (or his or her authorized person) to inspect and test any fire service installation or equipment installed in, or for, any premises to check its safety and the efficiency of its working order.

Part 4—Related amendments

8. Clauses 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 contain related amendments to certain enactments. In particular—
 - (a) clauses 9 and 10 contain amendments to the Miscellaneous Licences Regulations (Cap. 114 sub. leg. A);
 - (b) clauses 11 and 12 contain amendments to the Food Business Regulation (Cap. 132 sub. leg. X);
 - (c) clauses 13 and 14 contain amendments to the Places of Amusement Regulation (Cap. 132 sub. leg. BA);
 - (d) clauses 15, 16, 17 and 18 contain amendments to the Places of Public Entertainment Regulations (Cap. 172 sub. leg. A);
 - (e) clause 19 contains an amendment to the Education Ordinance (Cap. 279); and

- (f) clause 20 contains an amendment to the Non-local Higher and Professional Education (Regulation) Rules (Cap. 493 sub. leg. B).